

PATENT

Attorney Docket No. A-63367-1/JAS

Client Ref. SEA 2426.1

EXPRESS MAIL LABEL: EK 742559126 US

DEPOSITED: January 16, 2001

CERTIFICATE UNDER 37 C.F.R. 1.10

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the above referenced date in an envelope as "Express Mail" addressed to the Box Patent Application, Commissioner for Patents, Washington, D.C. 20231.

Signed:

Tina Hall

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
HEINE et al.

Art Unit: To Be Assigned

Serial No. To Be Assigned

Examiner: To Be Assigned

Filed: January 16, 2001

Attorney Docket No. A-63367-1/JAS

For: BRUSHLESS SPINDLE DC MOTOR  
USED AS AN ACTUATOR TO  
CREATE RADIAL FORCE

NEW APPLICATION TRANSMITTAL  
(37 C.F.R. § 1.53(b))

**BOX PATENT APPLICATION**

Commissioner for Patents

Washington, D.C. 20231

Sir:

1. This new application is for an:

☒ Original (non-provisional)  
☐ Design  
☐ Plant

☐ divisional  
☒ continuation  
☐ continuation-in-part (C-I-P)

application under 37 C.F.R. 1.53(b), in the name of GUNTER K. HEINE, Aptos, California; HANS LEUTHOLD, Santa Cruz, California; and CHRISTIAN FLEURY, Rossemaison, Switzerland entitled **BRUSHLESS SPINDLE DC MOTOR USED AS AN**

PATENT

Attorney Docket No. A-63367-1/JAS  
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**ACTUATOR TO CREATE RADIAL FORCE.** This continuation application claims priority to pending U.S. Application Serial No. 09/029,043 filed February 24, 1998.

2. **Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121):**

- ☒ Enclosed is a copy of the prior application as originally filed.
- ☒ Priority of application Serial No. 09/029,043 filed February 24, 1998 is claimed under 35 U.S.C. 120.
- ☐ The certified copy has been filed in prior application, Serial No. 0 / \_\_\_\_\_, filed on \_\_\_\_\_.

3. **Papers enclosed:**

Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.53 (Design) Application:

- ☐ Enclosed is a new application.
- ☐ Enclosed is a continuation-in-part application.
- ☒ Enclosed is a copy of the prior application as originally filed.
- 48 Pages of specification
- 14 Pages of claims
- 38 Sheets of drawings
- ☐ formal
- ☒ informal
- Page of Abstract

4. **Additional papers enclosed:**

- ☐ Amendment to Claims.
- ☒ Cancel in this application original claims 2-66 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
- ☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims).

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☐ Amendment to Specification.

☐ Amend the specification by inserting before the first line the sentence:

– This continuation application claims priority to pending U.S. Application Serial No. 09/029,043 filed February 24, 1998. –

☐ Preliminary Amendment.

☐ Copy of previously submitted Information disclosure Statement (37 C.F.R. 1.98) with Form PTO-1449.

☐ Fee regarding Information Disclosure Statement:

☐ Fee Under 37 C.F.R. 1.17(p) \$240.00

☐ Petition Fee Under 37 C.F.R. 1.17(i) \$130.00

**Total Information Disclosure Statement Fee: \$ 0.00**

☐ Authorization of Attorney(s) to Accept and Follow Instructions from representative.

☐ Special Comments:

☐ Other:

**5. Declaration or oath (including power of attorney):**

☒ Enclosed is a copy of the originally filed Declaration Executed by the

☒ inventor(s).

☐ legal representative of inventor(s).

☐ Joint venture or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 C.F.R. 1.47 and the statement required by 37 C.F.R. 1.47 is also attached.

☐ Not enclosed.

☐ Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of *all* the above named inventor(s).

U.S. PTO  
09/764766  
01/16/01

☐ The Power of Attorney in the prior application is to:

Name: Thomason, Moser & Patterson, LLP  
4149 El Camino Way, Suite B  
Palo Alto, California 94306-4036

☒ The power appears in the original papers in the prior application.

☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

**6. Inventorship Statement:**

The Inventorship for all the claims in this application are:

☒ the same inventors named in the prior application.

☐ inventors fewer than all the inventors named in the prior application.

☐ please delete the following name(s) as inventor(s):

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

**7. Language:**

☒ English

☐ Non English

☐ The attached translation includes a statement that the translation is accurate.  
37 C.F.R. 1.52(d).

**8. Assignment:**

☐ A copy of the assignment of the invention to: SEAGATE TECHNOLOGY LLC

☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT  
(DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or  
☐ FORM PTO 1595 is also attached.

☐ will follow.

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[X] The prior application is assigned of record to SEAGATE TECHNOLOGY LLC.

[X] A copy of the original recorded Assignment is enclosed.

[X] A copy of the Change of Name in recorded Assigned is enclosed.

jc840 U.S. PTO  
09/764766  
01/16/01

## 9. Extension of Time.

[ ] The term for response or taking action in the prior application expires on \_\_\_\_\_.

[ ] An extension of time in the prior application is:

[ ] filed concurrently in the prior application.

[ ] has been filed on \_\_\_\_\_.

[ ] Applicant hereby petitions for an extension of time in prior application serial no. 0/\_\_\_\_\_ and encloses the fee of: **\$00.00**

Small Entity			Large Entity		
[ ]	One month	\$ 55.00	[ ]	One month	\$110.00
[ ]	Two months	\$195.00	[ ]	Two months	\$390.00
[ ]	Three months	\$445.00	[ ]	Three months	\$890.00
[ ]	Four months	\$695.00	[ ]	Four months	\$1,390.00
[ ]	Five months	\$945.00	[ ]	Five months	\$1,890.00

Extension of Time Fee: **\$00.00**

## 10. The filing fee has been calculated as shown below:

For:	(Col. 1) No. Filed	(Col. 2) No. Extra	Rate		Small Entity Fee	Rate	Large Entity Fee
Basic Fee:							<b>\$710.00</b>
Total Claims:	1 - 20	= 0	X \$9	=		X \$18	
Indep. Claims:	1 - 3	= 0	X \$40	=		X \$80	
[ ] Multiple Dependent Claims Presented			+ \$135	=		+ \$270	

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- ☐ An amendment canceling extra claims is enclosed.
- ☐ An amendment deleting multiple-dependencies is enclosed.
- ☐ The fee for extra claims is not being paid at this time.

**Total Filing Fee:**

**\$710.00**

jc840 U.S. PRO  
09/764766  
01/16/01

**11. Small Entity Statement(s):**

- ☐ Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is(are) attached.
- ☐ Status as a small entity was claimed in prior application, serial no. \_\_\_\_\_, filed on \_\_\_\_\_, from which benefit is being claimed for this application under 35 U.S.C. § [ ] 119(e); [ ] 120; [ ] 121, or [ ] 365(c) and which status as a small entity is still proper and desired.
- ☐ A copy of the statement in the prior application is included.

Total Other Fees: \$ \_\_\_\_\_.00

TOTAL FEES: \$ \_\_\_\_\_.00

- ☐ A check including the amount of the above indicated TOTAL FEES is attached.
- ☒ Please charge Deposit Account No. 20-0782 in the amount of \$710.00.
- ☐ A check in the amount of \$ \_\_\_\_\_.00 is attached.
- ☐ No fee is required.

☒ Conditional Petition for Extension of Time:

An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.

- ☒ The commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 20-0782/A-63367-1/JAS.

☒ Any filing fees under 37 C.F.R. 1.16 including fees for the presentation of extra claims.

☒ Any patent application processing fees under 37 C.F.R. 1.17.

- ☒ I hereby verify that the attached papers are a true duplicate of prior application Serial No. 09/029,043 filed February 24, 1998.

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[X] Address all future communication to:

James A. Sheridan, Thomason, Moser & Patterson, LLP

Respectfully submitted,

By: James A. Sheridan  
James A. Sheridan, Reg. No. 25,435

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